

### **REMARKS**

Review and reconsideration of the non-final Office Action mailed November 24, 2010 (hereinafter "Office Action"), is respectfully requested in view of the arguments made herein. No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any surplus to Deposit Account No. 04-1679.

In the Office Action, claims 1-24 were pending, with claims 1-4 being drawn to an elected invention. All elected claims were rejected under one or more of 35 U.S.C. §102(b), 35 U.S.C. §103(a) or 35 U.S.C. §112, second paragraph. By this Amendment, claim 4 is amended.

The amendments presented herein have been made solely to expedite prosecution of the instant application to allowance and should not be construed as an indication of Applicant's agreement with or acquiescence to the Examiner's position. Accordingly, Applicant expressly maintains the right to pursue broader subject matter through subsequent amendments, continuation or divisional applications, reexamination or reissue proceedings, and all other available means. The rejections and responses thereto are set forth fully below.

#### **Claim Rejections – 35 USC § 112, Second Paragraph**

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant claims as the invention. In particular, the Office Action asserts that the metes and bounds of the limitation "enabling simultaneous ion adsorption" are not clear. The rejected clause has been amended to eliminate the term simultaneous. Accordingly, Applicant respectfully requests that the rejection based on 35 U.S.C. § 112, second paragraph, be withdrawn.

#### **Claim Rejections – 35 USC §§ 102, 103(a)**

In the Office Action, claims 1-4 were rejected under 35 U.S.C. § 102 as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Japanese Publication JP 2007—091534 ("JP '534"). The Office Action asserts that JP '534 is prior art under §102(b). Applicant respectfully submits that JP '534 is not prior art under any subsection of 35 U.S.C. §102. Accordingly, Applicant respectfully traverses.

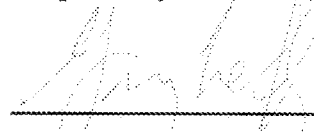
JP '534 was filed in Japan on September 29, 2005, and was published in Japanese on April 12, 2007. Thus, JP '534 is not entitled to a §102(e) date (*i.e.*, not filed in the United States) and the 35 U.S.C. §102(a) and (b) prior art date for JP '534 is April 12, 2007.

The pending application is a National Phase Entry of PCT/JP2005/004668 filed March 16, 2005, which claims priority to Japanese Application JP 2004-074093, filed March 16, 2004. As a National Phase Entry, the pending claims are entitled to a priority date no later than March 16, 2005 (and possibly March 16, 2004 based on the Japanese Application). As a result, JP '534 is not prior art against the pending application. Accordingly, Applicant respectfully requests that the instant rejection based on JP '534 be withdrawn. Finally, should a further search result in another office action, Applicant respectfully request that such an action be made non-final.

### Conclusion

For at least the reasons set forth above, the independent claims are believed to be allowable. In addition, the dependent claims are believed to be allowable due to their dependence on an allowable base claim and for further features recited therein. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned Greg Lefkowitz (direct line 561-962-2110) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,



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